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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,023	04/15/2004	Peter Connley Lancaster	TUC920040006US1	7482
49220	7590	12/11/2006	EXAMINER	
QUARLES & BRADY STREICH LANG LLP 1 SOUTH CHURCH AVENUE SUITE 1700 TUCSON, AZ 85701			MASKULINSKI, MICHAEL C	
			ART UNIT	PAPER NUMBER
			2113	

DATE MAILED: 12/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/825,023

Applicant(s)

LANCASTER, PETER CONNLEY

Examiner

Michael C. Maskulinski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7, 8, 10, 11, 15-17, 19, 20, 24, 26 and 27 is/are rejected.
- 7) ☒ Claim(s) 4-6, 9, 12-14, 18, 21-23, 25 and 28-30 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 4/15/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**Non-Final Office Action**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 7, 8, 10, 11, 15, 17, 19, 20, 24, 26 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Tentij et al., U.S. Patent 6,513,129 B1.

Referring to claims 1, 17, and 24:

- a. In column 3, lines 1-8, Tentij et al. disclose performing various activities including obtaining management information such as acquiring alarm information from managed network elements, performing the required information processing activities on the network, and directing the managed elements to take appropriate action such as performing a test (An error logging and analysis system, comprising: an error detection unit; an error logging device; and an error analysis unit).

- b. In column 9, lines 29-31, Tentij et al. disclose creation of a fault management control object that contains attributes that dictate system response to an incoming alarm. Basic functionality such as alert generation, logging, forwarding is described by the control object (wherein, within a period of time, the

error detection unit is adapted to detect a first occurrence of a particular type of fault condition).

c. In column 11, lines 27-30, Tentij et al. disclose that the Create Info. Attribute shows the time/date/user ID information for when the control object was created (the error detection unit is adapted to determine a first time of the first occurrence).

d. In column 10, lines 9-10, Tentij et al. disclose that the Severity attribute defines the severity level associated with a given control (the error detection unit is adapted to assign an initial error severity weight to the first occurrence).

e. In column 11, lines 27-30 and in column 10, lines 9-10 Tentij et al. teach the error logging device is adapted to record the first time and the initial error severity weight.

f. In column 14, lines 7-9, Tentij et al. disclose that with thresh-holding the number of occurrences of an alarm or alarm clear within a sliding time interval are recorded as they are received (the error detection unit is adapted to detect a second occurrence of the particular type of fault condition, the error detection unit is adapted to determine a second time of the second occurrence, the error logging device is adapted to record the second time, the error analysis unit is adapted to determine a first interval between the first occurrence and the second occurrence).

g. In column 14, lines 9-22, Tentij et al. disclose that if the required number of alarms are received, optionally for a specified severity level, within the required time interval, an alert is generated with the specified severity. Different grades of thresholds for a given time interval can be set up. For example, 5 alarms in 10 minutes generates a minor alarm, 10 alarms in 10 minutes generates a major alarm, and 20 alarms in 10 minutes generates a critical alarm (the error analysis unit is adapted to generate a first error frequency factor related to the first interval, the error analysis unit is adapted to generate a first weighted error rate that is a first function of the initial error severity weight and the first error frequency factor).

h. With regards to claim 24, in column 20, lines 10-16, Tentij et al. disclose computer instructions.

Referring to claims 2, 10, 17, and 26, in column 18-21, Tentij et al. disclose that if additional alarms are received such that the threshold requirements for a higher severity level are satisfied, the severity of the alert is changed to reflect the new specified value. Clears will similarly decrement the count and severity level as a previous threshold is reached (wherein, within the same period of time, the error analysis unit is adapted to compare the first weighted error rate to a first predetermined threshold).

Referring to claims 3, 11, 20, and 27, in column 18-21, Tentij et al. disclose that if additional alarms are received such that the threshold requirements for a higher severity level are satisfied, the severity of the alert is changed to reflect the new specified value.

Clears will similarly decrement the count and severity level as a previous threshold is reached. From this, Tentij et al. teach that wherein, if the first weighted error rate exceeds the first predetermined threshold, the error analysis unit is adapted to determine that the first weighted error rate is statistically significant because the severity is changed making it statistically significant, i.e. more errors are occurring in a given period.

Referring to claim 7, in column 11, lines 27-30 and in column 10, lines 9-10 Tentij et al. teach wherein the error logging device is adapted to record the second weighted error rate.

Referring to claim 8:

- a. In Figure 5A, Tentij et al. disclose a processing device and a memory device.
- b. In column 9, lines 29-31, Tentij et al. disclose creation of a fault management control object that contains attributes that dictate system response to an incoming alarm. Basic functionality such as alert generation, logging, forwarding is described by the control object (wherein, the processing device is adapted to detect a first occurrence of a particular type of fault condition).
- c. In column 11, lines 27-30, Tentij et al. disclose that the Create Info. Attribute shows the time/date/user ID information for when the control object was created (the processing device is adapted to determine a first time of the first occurrence).

- d. In column 10, lines 9-10, Tentij et al. disclose that the Severity attribute defines the severity level associated with a given control (the processing device is adapted to assign an initial error severity weight to the first occurrence).
- e. In column 11, lines 27-30 and in column 10, lines 9-10 Tentij et al. teach the memory device is adapted to record the first time and the initial error severity weight.
- f. In column 14, lines 7-9, Tentij et al. disclose that with thresh-holding the number of occurrences of an alarm or alarm clear within a sliding time interval are recorded as they are received (the processing device is adapted to detect a second occurrence of the particular type of fault condition, the processing device is adapted to determine a second time of the second occurrence, the memory device is adapted to record the second time, the processing device is adapted to determine a first interval between the first occurrence and the second occurrence).
- g. In column 14, lines 9-22, Tentij et al. disclose that if the required number of alarms are received, optionally for a specified severity level, within the required time interval, an alert is generated with the specified severity. Different grades of thresholds for a given time interval can be set up. For example, 5 alarms in 10 minutes generates a minor alarm, 10 alarms in 10 minutes generates a major alarm, and 20 alarms in 10 minutes generates a critical alarm (the processing device is adapted to generate a first error frequency factor related to the first

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interval, the processing device is adapted to generate a first weighted error rate that is a first function of the initial error severity weight and the first error frequency factor).

Referring to claim 15, in column 4, lines 5-9, Tentij et al. disclose that the processing device is a computer processor.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tentij et al., U.S. Patent 6,513,129 B1.

Referring to claim 16, in column 6, lines 23-27, Tentij et al. disclose that MIB is an information base for storing objects and rules. However, Tentij et al. don't explicitly disclose a memory device that is a random access memory integrated circuit. The Examiner takes Official Notice that in the art of computer systems it is well known to have random access memory (RAM). For example, most desktops and laptops are equipped with RAM. Also, many other computer systems use RAM because of its quick access speed. It would have been obvious to one of ordinary skill at the time of the invention to include RAM into the system of Tentij et al. A person of ordinary skill in the



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art would have been motivated to make the modification because RAM is a commonly used memory in computer systems, and it is useful because of its quick access time.

***Allowable Subject Matter***

5. Claims 4-6, 9, 12-14, 18, 21-23, 25, and 28-30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter.

Referring to claim 4, the prior art does not teach or reasonably suggest that the error analysis unit is adapted to generate a second weighted error rate that is a second function of the initial error severity weight, the second error frequency factor, and the first weighted error rate.

Referring to claim 9, the prior art does not teach or reasonably suggest that the processing device is adapted to generate a second weighted error rate that is a second function of the initial error severity weight, the second error frequency factor, and a percentage of the first weighted error rate.

Referring to claims 18 and 25, the prior art does not teach or reasonably suggest generating a second weighted error rate that is a second function of the initial error severity weight, the second error frequency factor, and a percentage of the first weighted error rate.

***Conclusion***

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7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited prior art is related to error severity escalation in error management systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Maskulinski whose telephone number is 571-272-3649. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on 571-272-3645. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Michael C Maskulinski  
Examiner  
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